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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,313	01/05/2005	Franciscus Lucas Antonius Johannes Kamperman	NL 020602	2571

24737   7590   05/30/2007
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EXAMINER
CHAI, LONGBIT

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 April 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4, 6 and 7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4, 6 and 7_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Currently pending claims are 1 – 4, 6 and 7.

Response to Arguments

2.   Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.

3.   As per claim 1, 2, 6 and 7, Applicant asserts Tsuria fails to teach or suggest (a) "storing at least two items of entitlement information" and (b) Tsuria's ECM and TECM keys are neither equivalent nor analogous to entitlement information. As known to those skilled in the art, the ECM stream contains control words/keys for decrypting the input information. In contrast, the EMM stream contains entitlement information which controls (entitles) the decoding of the ECM control word".

Examiner respectfully disagrees because (a) ECM stands for "Entitlement Control Message" and EMM stands for "Entitlement Management Message" and as such both are definitely associated with the entitlement information – either from security management or from content management viewpoints. Therefore, Applicant's argument has no merit since the alleged limitation (EMM instead of ECM) has not been recited into the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4.   Furthermore, Applicant remarks Tsuria fails to teach or suggest "by selecting one

of the two items based on a content of the input message". Examiner respectfully

disagrees because the smart card can produce the control word by using the stored

ECM key or TECM key (i.e. one of the two items) to decrypt the encrypted control word

respectively depending on the content (i.e. data stream) either from the broadcasting

channel (i.e. live data stream) or from the playback device (i.e. stored data stream).

Claim Rejections - 35 USC § 102

        The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that

forms the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Tsuria et al. (U.S. Patent 6,178,242).

        As per claim 1 and 7, Tsuria teaches an apparatus for decoding a stream of data,

comprising:

        a decoder for decrypting data from the stream, using a control word (Tsuria:

Column 9 Line 49 – 56); and

        a secure device (Tsuria: Figure 1 / Element 120: a smart card) coupled to the

decoder, for providing the control word, the secure device including a memory unit for

storing at least two items of entitlement information (Tsuria: Column 8 Line 44 – Column

5 Line 14: both of the ECM key and TECM key can be stored on the smart card); and

an execution unit arranged to respond to an input message, by selecting one of

the items based on a content of the input message, the execution unit enabling the

control word to be sent to the decoder after decrypting the control word with a

decryption key associated with the selected item (Tsuria: Column 9 Line 31 – 36 and

Column 8 Line 44 – Column 5 Line 14: the smart card can produce the control word by

using the stored ECM key or TECM key to decrypt the encrypted control word

respectively depending on the data stream either from the broadcasting channel (i.e.

live data stream) or from the playback device (i.e. stored data stream)).

As per claim 2, Tsuria teaches a detector, coupled to the secure device, for

determining a source of the stream of data, and for controlling information in the input

message that specifies the source (Tsuria: Column 9 Line 31 – 36 and Column 8 Line

44 – Column 5 Line 14: the smart card can produce the control word by using the stored

ECM key or TECM key to decrypt the encrypted control word respectively depending on

the data stream either from the broadcasting channel (i.e. live data stream) or from the

playback device (i.e. stored data stream)).

As per claim 6, Tsuria teaches the secure device includes an additional memory

unit for storing acceptance information (Tsuria : Column 8 Line 59 – Column 9 Line 14:

e.g. PIN), the execution unit being arranged to execute first commands for updating the

items of entitlement information (Tsuria : Column 8 Line 59 – 60: the TECM key must be

updated to tie with a particular person), and second commands for updating the

acceptance information, the execution unit carrying out updates of the items in response

to the first commands only if the first commands contain validation information that

matches the acceptance information stored in the additional memory unit (Tsuria :

Column 8 Line 59 – Column 9 Line 14: the input PIN must be validated first prior to

access any information from the smart card such as ECM key or TECM key).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tsuria et al. (U.S. Patent 6,178,242), in view of Unger et al. (U.S. Patent

2003/0026423).

As per claim 3, Tsuria does not disclose expressly a detector arranged to detect

whether the stream is a partial stream selected from a larger stream, the detector

controlling the content of the input message based on whether the stream is detected to

be a partial stream or not respectively, wherein the execution unit selects a first item

and a second item selected from the at least two items based on whether the stream is

detected to be the partial stream or not respectively.

Unger teaches a detector arranged to detect whether the stream is a partial

stream selected from a larger stream, the detector controlling the content of the

messages dependent on whether the stream is detected to be a partial stream or not

respectively, the execution unit selecting a first one of the items and a second one of

the items dependent on whether the stream is detected to be a partial stream or not

respectively (Unger: Para [0058] Line 5 – 10 and Para [0060] Line 7 – 10, Para [0072]

Line 7 – 17 and Para [0060] Line 7 – 10: when M = N, the data stream is fully encrypted

and based on the primary PID and CA descriptor in PMT PSI (Program System

Information) to determine the stream is partially scrambled or not so that the data

stream can be decrypted accordingly).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teaching of Unger within the system of Tsuria

because Unger teaches an effective partial scrambling technique to improve the

bandwidth requirement of transmission (Unger: Para [0035]).

As per claim 4, Tsuria as modified teaches **the detector is arranged to detect**

whether the stream is the partial stream dependent on the presence of a section

in the stream that contains a table that describes the selection of the partial

stream (Unger: Para [0108] Line 1 – 3, Table 1, Para [0057], Para [0058] Line 5 – 10

and Para [0060] Line 7 – 10: (a) based on the primary PID and CA descriptor in PMT

PSI (Program System Information) <u>to determine the stream is partially scrambled</u> (b) the

collection of PIDs (Packet ID) transmitted as part of System Information (SI) in the data

streams is forming a "system information table", where the PIDs describe which

program and which encryption key (e.g. system A encryption of system B encryption)

are used in order to decrypt the particular packet corresponding to a partially encrypted

portion of the stream), **the detector supplying encrypted control word information**

retrieved from said table to the secure device for use in supplying the control

word to the decoder in case of the partial stream (Unger: Para [0109]: (a) the PIDs

describe which program and which encryption key (e.g. system A encryption of system

B encryption) are used – see above, and (b) the ECM data includes the encrypted

control word for decrypting the partially encrypted stream), **the detector supplying the**

encrypted control word information retrieved from a dedicated conditional access

table from the stream in case of a complete stream (Unger: Para [0072] Line 7 – 17

and Para [0060] Line 7 – 10: when M = N, the data stream is fully encrypted and based

on the primary PID and CA descriptor in PMT PSI (Program System Information) to

determine the stream is partially scrambled or not so that the data stream can be

decrypted accordingly).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Longbit Chai
Examiner
Art Unit 2131

LBC

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